

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:15-cr-00199

PAULA KAY BUTTS,

Defendant.

**ORDER**

Pursuant to 28 U.S.C. §636(b) and by consent of the parties, this matter was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for purposes of the Defendant entering a plea of guilty. (Document 3). At the plea hearing held on October 8, 2015, the Defendant voluntarily waived her right to have an Article III Judge preside over her guilty plea, instead proceeding in front of Magistrate Judge VanDervort.


In accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule of Criminal Procedure 59.4(d), the Magistrate Judge prepared a *Proposed Findings and Recommendation Concerning Plea of Guilty in Felony Case* (PF&R) (Document 9) for this Court's review. Therein, the Magistrate Judge recommends that the Court find that the Defendant made a knowing, voluntary, and intelligent waiver of her right to proceed by indictment; that there is a sufficient factual basis for her plea of guilty; that her plea was knowing and voluntary; and that she understood the rights she was giving up by pleading guilty. He further recommends that the Defendant be adjudged guilty of the felony charge contained in the Information, and that the Court accept her plea of guilty

conditionally, pending receipt and review of both the PF&R and a Presentence Investigation Report.

Objections to the PF&R were due on October 26, 2015. Neither party has filed objections. Accordingly, following careful review, the Court hereby **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation Concerning Plea of Guilty in Felony Case* (Document 9) and **ORDERS** that the Defendant's plea of guilty be **ACCEPTED**, that acceptance of her plea agreement be **DEFERRED** pending review of the Presentence Investigation Report, and that she be **ADJUDGED GUILTY** of the charge contained in the Information filed against her.

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge R. Clarke VanDervort, to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: November 3, 2015

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA